

# Senate Interim Committee on Electric Utility Restructuring

## MINUTES

Wednesday, February 4, 1998

9:00 am

Senate Chamber

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Pursuant to a notice posted in accordance with Senate Rule 11.11, a public hearing of the Senate Interim Committee on Electric Utility Restructuring was held on Wednesday, February 4, 1998 in the Senate Chamber at Austin, Texas.

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### **MEMBERS PRESENT**

Senator David Sibley, Chair  
Senator Kenneth Armbrister  
Senator Gonzalo Barrientos  
Senator Teel Bivins  
Senator David Cain  
Senator Troy Fraser  
Senator Jane Nelson

### **MEMBERS ABSENT**

none

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Chair Sibley called the meeting to order at 9:15 am. There being a quorum present, the following business was transacted.

The Chair advised that the Committee would focus first on customer protection and called the invited panel to address this issue. The panelists were:

Barbara Alexander, Consumer Affairs Consultant  
Suzi McClellan, Office of Public Utility Counsel  
David Mintz, Texas Coalition for Competitive Electricity  
Bob Reilley, Enron Corporation  
Tom Baker, Association of Electric Companies of Texas  
Janee Briesemeister, Consumers Union

Upon completion of the panelists' presentations and response to members' questions, Chair Sibley called the second panel to address environmental and renewable energy issues. These panelists were:

Jeffrey A. Saitas, Office of Air Quality, Texas Natural Resource Conservation Commission  
John Hoffner, Texas Renewable Energy Industries Association  
Tom "Smitty" Smith, Public Citizen's Texas Office  
Ed Feith, Association of Electric Companies of Texas  
Karl Rabago, Environmental Defense Fund  
Randy Eminger, Center for Energy and Economic Development  
Jane Pulaski, State Energy Conservation Office

At 12:40 p.m. Senator Armbrister assumed the Chair, and at 1:00 p.m., Senator Sibley resumed the Chair.

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Following the second panelists' testimony and response to members' questions, Chair Sibley advised that public testimony would commence. Due to the number of public witnesses registering to speak, the Chair moved that each person limit testimony to three minutes; without objection, it was so ordered. Chair Sibley then called the first witness. All witnesses, including panelists, are listed in order of their testimony.

Barbara Harwood, representing herself, Carrollton, Texas  
Ron Purpora, representing American Lung Association of Texas, Austin, Texas  
Susan Pitman, representing American Lung Association of Texas, Austin, Texas  
Roland Duty, representing himself, Waco, Texas  
Mary Duty, representing Children's Advocacy Center, Waco, Texas

The next witness, Johnette Hicks, representing Equal Opportunity Action Committee, Waco, Texas, submitted a petition Supporting Universal Electricity Service. The petition was circulated by Texas Association of Community Action Agencies and requested that all Texas households have affordable electricity; and that all utilities should offer a special low-income rate for customers living in poverty, a low-income weatherization program, and other programs to help low-income customers prevent termination of electricity service. Public testimony then resumed.

Boyce Vardiman, representing himself, West, Texas  
Bruce Allen, representing himself, Waco, Texas  
W. F. Barrett, representing himself, Valley Mills, Texas  
Randall Chapman, representing himself, Austin, Texas

At 3:25 p.m. Senator Barrientos assumed the Chair, and at 3:45 p.m. Senator Sibley resumed the Chair while public testimony continued.

James Fitzpatrick, representing American Association of Retired Persons, Austin, Texas  
Alan Rose, representing JC Penney Company & Texas Retailers Association, Dallas, Texas  
Jerome Vacek, representing consumers, Corsicana, Texas  
Carol Biedrzycki, representing Texas Ratepayers Organization to Save Energy, Austin, Texas  
Karen Swenson, representing low income households, Nacogdoches, Texas  
Peter Altman, representing the SEED Coalition, Austin, Texas  
Dwayne Anderson, representing Clean Water Action, Austin, Texas  
Robert King, representing National Association of Energy Service Companies, Austin, Texas  
Chris Strand, representing himself, Austin, Texas  
Ju Vega, representing Sheltering Arms Senior Services, Houston, Texas  
Marjorie Wood, representing herself, Abilene, Texas  
Bob Manning, representing HEB Grocery Company, San Antonio, Texas  
Brooks Hickerson, representing himself, Austin, Texas

Chair Sibley commended the next witness, Kirtley Wienbroer, representing Students for Earth Awareness at UT, Austin, Texas, for keeping his testimony under three minutes. Public testimony then resumed as follows:

Bill Medaille, representing himself, Austin, Texas  
Tommy Benavides, representing himself, Austin, Texas  
Kim Phillips, representing herself and the Texas PTA, Austin, Texas  
Karin Ascot, representing herself, Austin, Texas  
Mike Sloan, representing himself, Austin, Texas  
Todd Cypert, representing himself, Meadow, Texas  
Michael Aaron, representing himself, Austin, Texas  
Dr. Bob Farmer, representing himself, Gatesville, Texas  
Nancy Lockhoof, representing herself, Austin, Texas

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C. C. Bowman, representing himself, Marshall, Texas  
Tim Curtis, representing himself, Dale, Texas

The following persons registered to testify but were unable to remain at the hearing until they were called:

Herb Williams, representing Texas Natural Resource Conservation Commission, Austin, Texas  
Bill Tilney, representing himself, Austin, Texas  
Leonard McLaughlin, representing himself and Lost Creek MUD, Austin, Texas  
Frank Arredondo, representing Texas Association of Community Action Agencies, San Marcos, Texas  
Karen Heikkala, representing herself, Austin, Texas  
J. D. Porter, representing himself, Austin, Texas  
Enrique Valdivia, representing himself, San Antonio, Texas  
Tara Tune, representing Public Citizens members, Austin, Texas  
Tom Romberg, representing Texas Air Conditioning Contractors Association, Austin, Texas  
Kevern Joyce, representing TNP Enterprises and Texas New Mexico Power Company, Fort Worth, Texas

The following persons registered but did not wish to testify:

Adan Martinez, representing Texas General Land Office, Austin, Texas  
Richard Walker, representing Central & South West Corp. & AECT, Tulsa, Oklahoma Robert L. Wright,  
representing Texas Energy Coordination Council & Union Carbide, Victoria, Texas  
Jim Walker, representing himself as a member of the Sustainable Building Coalition, Austin, Texas  
Dr. Yvonne M. Hansen, representing herself, Austin, Texas

There being no further business, at 5:50 pm Chair Sibley moved that the Committee stand recessed subject to the call of the Chair. Without objection, it was so ordered.

Senator David Sibley, Chair  
Barbara Henderson, Clerk